

Response to Amendment

1. The amendment dated 6/19/2009 has been fully considered and entered into the Record. Claims 1, 4, 5, 8-22, 26-34, 35-55, 57-60, 62 and 64-92 have been cancelled. New claims 94-107 have been added. Claim 56 has been amended to more clearly recite the desired structure. Neither the new claims nor the amended claim contain new matter.
2. Claims 2, 3, 6, 7, 23-25, 56, 61, 63 and 93-107 are currently pending.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claim 56: replace the “,” following “(C) a backing layer” with a “;”

Allowable Subject Matter

4. Claims 2, 3, 6, 7, 23-25, 56, 61, 63 and 93-107 are allowed.
5. The following is an examiner's statement of reasons for allowance: the prior art of Record fails to teach a composite material with a fibrous face layer comprising a non-woven fabric with legs that are made from a portion of the fibrous face layer that extend away from the top surface of said face layer through the bottom surface of said face layer, wherein the legs of said face layer are needle-punched through said face layer, and at least some of the legs are needled through the adjacent solid adhesive layer, wherein a portion of the adhesive layer at least partially penetrates into the fibrous face layer and wherein the top surface of said face layer is substantially free of adhesive, and wherein at least some of the needle-punched legs are bonded to the backing layer; the prior art of Record also fails to teach a method of making a composite comprising selecting a fibrous face layer, placing an adhesive on the bottom of said face layer, needle-punching the face layer to form a plurality of legs made from a portion of said face layer wherein the legs are extending away from the top surface of said face layer and into the adhesive layer followed by embedding the legs of said face layer in the adhesive layer, wherein the adhesive layer penetrates a distance of about 1/4 to about 3/4 of the thickness of said face layer.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Eschenbach (US 5,672,222) disclose a method to produce a needled fabric in which said fabric is first needled, then has a latex layer applied to it followed by the addition of a backing layer (col. 2). The applied reference does not serve as prior art as it fails to teach or suggest a reason to needle the article to form a plurality of legs extending away from the fabric layer and into the latex layer after the latex layer has been applied.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW D. MATZEK whose telephone number is (571)272-2423. The examiner can normally be reached on M-F, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Tarazano can be reached on 571.272.1515. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew D Matzek/
Examiner, Art Unit 1794

/D. Lawrence Tarazano/
Supervisory Patent Examiner, Art Unit
1794